

NEWS FROM ED MARKEY

United States Congress

Massachusetts Seventh District

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MARKEY NUCLEAR SECURITY AMENDMENT PASSES

Markey Provision Prevents NRC from Hiring Nuke Industry for Security

Washington, DC: Representative Edward J. Markey (D-MA), a senior Member of the Homeland Security Committee and the House Energy and Commerce Committee, the panel which oversees the regulation of nuclear reactors, today offered an amendment to the House Energy and Water Appropriations bill that prohibits the Nuclear Regulatory Commission (NRC) from using funds to contract with or reimburse nuclear reactor licensees or the Nuclear Energy Institute (NEI, the nuclear industry's lobbying organization) for matters relating to nuclear site security. The amendment was agreed to by a voice vote.

"I am pleased that the House of Representatives recognized the fact that just as we can't rely on the airline industry to test itself to see whether its screeners are effective, we can't rely on the nuclear industry to write its own "take home" tests on nuclear security," said Rep. Markey. "The temptation to give oneself an "A" is simply too great."

The report accompanying the House Energy and Water Appropriations bill contained language that was critical of the NRC's decision to allow NEI to contract with Wackenhut Corporation to act as the mock terrorist team during the force-on-force security exercises at nuclear reactors, as well as the decision to allow NEI to conduct site-specific consequence analyses for various nuclear sites. The report stated that "Public confidence in the Nuclear Regulatory Commission requires that the NRC be perceived as an independent regulator of the nuclear industry," and the bill contained an additional \$21 million to ensure that the NRC conducts these activities itself instead of delegating them to the nuclear industry's lobbying group. Rep. Markey's amendment ensured that the NRC would be *prohibited* from using funds to contract with or reimburse the nuclear industry for any security-related activities.

The Congressman has long believed that the NRC maintains too close a relationship with the nuclear industry:

- In the late 1990s, after the NRC backed down from its ill-advised plan to eliminate its force-on-force security exercise program, it planned to allow the nuclear industry to design, implement and evaluate security exercises at nuclear reactors. Rep. Markey has been a long-time opponent of this plan, and has written numerous oversight letters and offered legislative remedies to ensure that the NRC remains in charge of this important function. Most recently, the Congressman voiced his strong opposition to the NEI contract with Wackenhut, since NEI has an inherent conflict-of-interests and since Wackenhut provides security services for about half the nation's nuclear reactors and could therefore not objectively evaluate itself.
- Rep. Markey has written the NRC regarding its decisions to hold secret meetings with the nuclear industry to discuss potential regulatory changes while it bars non-industry experts from obtaining access to information they need to prepare materials to oppose a licensee application. Evidently, non-industry experts are almost never granted 'need to know' even when they possess the necessary security clearances. Moreover, in the rare event that they are granted, the process takes an inordinately long time, and these individuals must continually demonstrate a 'need to know' for each document they request access to. In contrast, nuclear industry members are reportedly able to receive the 'need to know' by merely submitting their names and social security numbers to the Commission.
- Rep. Markey has requested that the NRC Inspector General conduct an investigation into the NRC's inappropriate use of secrecy designations to bar independent experts and members of the public from obtaining access to security information and information related to other NRC proceedings, while it allows the nuclear industry complete and unfettered access to the same information.

For more information regarding the Rep. Markey's amendment and other work in the area of nuclear reactor security, please see www.house.gov/markey.

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